

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

| | | |
|----------------------------------|---|---------------------------|
| James Fowler, |) | C/A No. 0:13-1726-JFA-PJG |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | ORDER |
| |) | |
| Commissioner of Social Security, |) | |
| |) | |
| Defendant. |) | |
| |) | |

This social security action is before this court pursuant to 42 U.S.C § 405(g) for review of a final decision of the Commissioner of the Social Security Administration (“Commissioner”). The plaintiff, who is represented by an attorney, initiated this action and filed his Complaint on June 24, 2013. (ECF No. 1.) The Commissioner filed an answer along with a transcript of record on October 29, 2013. (ECF Nos. 10 & 11.)

The Local Rules of this District state that, after the filing of an answer, a plaintiff has thirty (30) days in which to file a written brief. Local Civil Rule 83.VII.04 DSC. The plaintiff requested two extensions of time to file his brief, both of which were granted by Docket Text Order. (ECF Nos. 13 & 16.) The plaintiff was directed to file his brief on or before January 20, 2014. As of this date, the plaintiff has not filed a brief and has presented no argument as to why the decision by the Commissioner is not supported by substantial evidence. It therefore appears that the plaintiff does not wish to continue to prosecute this action. Accordingly,

IT IS ORDERED that the plaintiff shall have **seven (7) days** from the date of this order in which to file a brief. **Failure to do so may result in a recommendation that this case be dismissed for failure to prosecute.** See Davis v. Williams, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.


Paige J. Gossett
UNITED STATES MAGISTRATE JUDGE

February 5, 2014
Columbia, South Carolina